## REMARKS

By this response, Applicants provisionally elect Group I, claims 1-13 for examination, with traversal. As a result, claims 1-22 remain pending in this application, with claims 14-22 being withdrawn from consideration.

In the Office Action, the Office requires Applicants to elect between claims 1-13 (Group I) and claims 14-22 (Group II). By this response, Applicants hereby elect claims Group I, claims 1-13 for consideration by the Office. However, Applicants respectfully submit that the restriction requirement clearly is not proper. To this extent, Applicants respectfully request reconsideration of the election/restriction requirement and rejoinder of claims 14-22 in view of the following remarks.

In particular, the Office alleges that the invention of Group I is distinct from the invention of Group II. "The term 'distinct' means that two or more subjects as disclosed are related, for example,... process and apparatus for its practice,... but are capable of separate manufacture, use, or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER." (emphasis in original) MPEP 802.01. For a process and apparatus for its practice, the inventions are distinct if "the process as claimed can be practiced by another materially different apparatus or by hand..." MPEP 806.05(e).

In support of its conclusion, the Office states that "the methods of Group I could be implemented in any server containing code means for providing such services, and not the same systems or program as described in claims 14-22." However, the Office has not indicated any feature(s) of Group I that make the claimed methods patentable over the scope of Group II. In particular, the Office has not indicated what features of the respective inventions are "materially

different". To this extent, Applicants respectfully submit that the Office has failed to present a sufficient showing that the two inventions "are patentable (novel and unobvious) over each other" as required for a proper restriction under MPEP 802.01. As a result, Applicants respectfully request rejoinder of claims 14-22 and consideration of all pending claims. However, should the Office maintain the restriction requirement, Applicants respectfully request that the Office make a specific finding as to what features in Group I are patentable over Group II.

Further, even if, *arguendo*, the claimed inventions are distinct, restriction is only proper when consideration of both inventions would impose a serious burden on the examiner. MPEP 803. In the restriction requirement, the Office does not indicate how consideration of both inventions would impose a serious burden on the examiner. To the contrary, the Office acknowledges that both inventions are classified in the same class/subclass. In this case, both inventions require the Examiner to search the identical class/subclasses. As a result, Applicants respectfully submit that a search for one would be substantially similar to a search for the other. To this extent, Applicants respectfully submit that the Office has failed to present a sufficient showing that consideration of both inventions would impose a serious burden as required by MPEP 803. Therefore, Applicants again respectfully request rejoinder of claims 14-22 and consideration of all pending claims. However, should the Office maintain the restriction requirement, Applicants respectfully request that the Office make a specific finding as to the serious burden imposed on the Examiner by considering all pending claims.

In light of the above, Applicants respectfully request rejoinder of claims 14-22 and consideration of all pending claims. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

John W. LaBatt, Reg. No. 48,301
Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, NY 12207
(518) 449-0044 - Telephone
(518) 449-0047 - Facsimile

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